UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

3:16-cv-00872-FDW (3:12-cr-00146-FDW-3)

SYLVESTER CRUSE, Jr.,)
Petitioner,)
vs.)) ORDER
UNITED STATES OF AMERICA,)
Respondent.)

THIS MATTER is before the Court on Petitioner's Motion to Supplement Pleading Pursuant to Fed. R. Civ. P. 15(d). [Doc. 4].

On December 28, 2016, Petitioner filed a Section 2255 Petition to Vacate, Set Aside or Correct Sentence seeking his July 2014 conviction be vacated. [Doc. 1]. The Court ordered the Government to respond to the motion to vacate. [Doc. 2]. On March 31, 2017, the Court granted the Government's motion to stay Petitioner's motion pending the Fourth Circuit's decision in United States v. Ali, No. 15-4433.

Petitioner now moves to supplement his motion to vacate pursuant to Rule 15(d) of the Federal Rules of Civil Procedure in light of the United States Supreme Court decision in <u>United States v. Davis</u>, 139 S.Ct. 2319 (June 24, 2019). The Court will grant the Petitioner's motion.

IT IS, THEREFORE, ORDERED that:

Petitioner's Motion to Supplement Pleading Pursuant to Fed. R. Civ. P. 15(d) [Doc. 4] is **GRANTED**.

Signed: July 24, 2019

Frank D. Whitney
Chief United States District Judge